

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DERVON M. TATE,
Plaintiff,

v.

Civil No. 3:20cv155 (DJN)

SGT EPLING, *et al.*,
Defendants.

MEMORANDUM OPINION

On March 16, 2020, the Court conditionally docketed Plaintiff Devon M. Tate's ("Plaintiff") action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on May 4, 2020, the Court directed Plaintiff to pay an initial partial filing fee of \$35.16 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action under Federal Rule of Civil Procedure 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

The Clerk is directed to file this Memorandum Opinion electronically and send a copy to Plaintiff.

/s/


David J. Novak
United States District Judge

Richmond, Virginia
Date: June 30, 2020